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Air Pollution Regulations in State Implementation Plans: California, Imperial County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

Aug 78

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Office of Air Quality
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Research Triangle Park NC 27711

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August 1978

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EPA

Air Pollution Regulations in State Implementation Plans:

California

Imperial County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Imperial County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-11

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

IMPERIAL COUNTY APCD

Submittal Date	Approval	Description
6/30/72	9/22/72	All Regs unless otherwise specified. Note: Rule 114A, 116B are disapproved.
7/25/77	8/22/77	Agricultural Burning Implementation Plan Rule 200-206
11/10/76	8/5/77	Rule 100, 114.5, 131.5, 148.D (3) Note: 114.5, 148.D(3) are disapproved.

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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GENERAL PROVISIONS

TITLE:

These rules and regulations shall be known as the rules and regulations of the Imperial County Air Pollution Control District.

(1.0) RULE 100 - DEFINITIONS:

Except where the context otherwise indicates, the following definitions shall govern the construction of these rules and regulations:

A. AIR CONTAMINANT means smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

B. ATMOSPHERE means the air that envelopes or surrounds the earth. When air pollutants are emitted into or within a building, such emission into or within the building shall be considered an emission into the atmosphere unless the building is designed specifically as a piece of air pollution control equipment.

C. BOARD means the Air Pollution Control Board of the Imperial County Air Pollution Control District.

D. COMBUSTIBLE REFUSE means any solid or liquid combustible waste material containing carbon in a free or combined state.

D.1 Combustion contaminant means solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

E. CONTROL OFFICER means the Air Pollution Control Officer of the Imperial County Air Pollution Control District.

F. DISTRICT means the Imperial County Air Pollution Control District.

G. DUST means minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing.

H. FUMES means small particles resulting from chemical reaction or from the condensation of vapors produced in combustion, distillation or sublimation.

I. HEARING BOARD means the Hearing Board of the Air Pollution Control District of Imperial County.

J. INCINERATOR means any furnace or similar enclosed firechamber,

with or without a draft control, used for burning refuse or other waste material and where the products of combustion are channeled through a flue.

K. MULTIPLE-CHAMBER INCINERATOR means any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage parts or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

L. OPEN OUTDOOR FIRE means complete or partial burning or smoldering of any combustible refuse or other material of any type, directly exposed to the atmosphere, whether or not enclosed in a fireproof container, where the products of combustion are not channeled through a flue.

M. PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

N. PERSON means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local government agency or public district or any officer or employee thereof.

O. ORCHARD OR CITRUS GROVE HEATER means any article, machine, equipment, or other contrivance, burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage. Contrivances commonly known as wind machines are not included.

P. RESIDENTIAL RUBBISH means refuse originating from residential uses and includes, but is not restricted to wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

Q. RULE means a rule of the Air Pollution Control District of Imperial County.

R. STANDARD CONDITIONS means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

S. VARIANCE means an authorization by the Hearing Board to permit some act contrary to the requirements specified by these rules and regulations.

T. PROCESS WEIGHT PER HOUR. "Process weight" is the total weight of

all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

U. LIVESTOCK FEED YARD means a lot, fenced area, or facility used for the feeding or holding of more than ten (10) cattle, except for grazing land as defined below.

V. GRAZING LAND refers to open range or fenced fields where animals feed on crops or grasses which grow naturally or are planted.

W. MANURE means the accumulated animal excrement in or around a livestock feed yard that does not undergo decompositon as would occur on open grazing land or natural habitat. This definition includes feces or urine which may be mixed with bedding materials, with spilled feed or with soil.

PERMITS

(3.0) RULE 101 - PERMITS REQUIRED:

A. AUTHORITY TO CONSTRUCT

Each person building, erecting, altering or replacing any article, machine, equipment or contrivance, the use of which may emit or control air contaminants, shall first obtain written authorization for such construction from the Control Officer.

B. PERMIT TO OPERATE

Subject to the exemptions contained in Rule 103 of this part, each person who uses or operates any article, machine, equipment, or other contrivance that emits air contaminants is required to have a permit. A single permit to operate may be issued for all components of an integrated system or process.

(3.0) RULE 102 - APPLICATIONS:

Any person requiring a permit shall file an application in the form prescribed by the Control Officer containing the following:

A. The applicant's name and address.

B. A description of the article, machine, equipment or contrivance which emits air contaminants.

C. The name and address of any business in which the article so causing the emission is used.

D. A description of the nature of such business.

E. Such additional information as may be required by the Control Officer.

(2.0) RULE 103 - EXEMPTIONS:

Operation of the following articles are exempted from the permit requirements of this part:

A. Vehicles as defined by the Vehicle Code of the State of California and aircraft.

B. Equipment utilized exclusively in connection with any structure designed for and used exclusively as a dwelling for not more than four families.

C. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated or released from specific units or equipment.

D. Equipment used exclusively for space heating, other than boilers.

E. Equipment used for the purpose of preparing food for immediate human consumption on the premises.

F. Agricultural equipment used in the preparation of land and for the planting, tillage and harvesting of crops.

G. Construction and maintenance equipment used in grading, leveling, paving, or other similar operations.

(3.0) RULE 104 - PROCESSING OF APPLICATIONS:

Within thirty (30) days after receipt of application for permit, or within thirty (30) days after the applicant furnishes the necessary information, whichever is later, the Control Officer shall give applicant written notice of approval or denial. If no action is taken within thirty (30) days after receipt of an application, the application shall be deemed denied. If a permit is denied, the applicant may file a new application when the reasons for the denial have been removed or corrected.

(3.0) RULE 105 - STANDARDS FOR GRANTING APPLICATIONS:

A. The Control Officer shall deny a permit if the applicant does not show that every article, machine, equipment, or contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of these rules.

B. The Control Officer, after considering all information available about existing air quality, meteorological information that may affect the air quality, information about the emission of air contaminants from existing source operations, information about emission of air contaminants from the proposed new source operation, shall deny an authority to construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance, or an authority to operate any facility, building, article, machine, equipment, or other contrivance, the use of which may cause the emission of air contaminants if any air quality standard adopted by the California Air Resources Board or the Environmental Protection Agency for any air contaminant from the proposed new source is exceeded in the vicinity in which it is proposed to be located.

(9.0) RULE 106 -TEST FACILITIES:

A. The Control Officer may require any person to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in an application.

B. The Control Officer shall prepare, by January 1, an annual report indicating results of emission and ambient tests conducted with an indication of to what extent, if any, emission standards were violated. This annual report shall be available to the public at the Air Pollution Control District Headquarters.

(2.0) RULE 107 - CONDITIONAL APPROVAL:

The Control Officer may issue a permit subject to conditions which will bring the operation of any article, machine, equipment, or contrivance within the standards established by these rules. All conditions imposed hereunder shall be specified in writing on the permit.

(3.0) RULE 108 - POSTING OF PERMIT:

A person who has been granted a permit to operate any article, machine, equipment, or other contrivance described in Rule 101 of this part, shall

firmly affix such permit, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accesible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

(3.0) RULE 109 - DENIAL OF APPLICATION:

In the event of the denial of a permit, the Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail. The Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Control Officer as his reasons for denial of the permit.

(2.0) RULE 110 - APPEALS:

Within ten (10) days after notice, by the Control Officer, of denial or conditional approval of a permit, the applicant may petition the Hearing Board in writing for a public hearing. The Hearing Board after notice and a public hearing as required by Rules 149 through 164 may sustain, modify or reverse the action of the Control Officer.

(3.0) RULE 111 - PERMIT FEES:

Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate is required by the state law or the rules and regulations of the Air Pollution Control District, shall pay a filing fee of $10. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where permit to operate had previously been granted under Rule 101 and no alteration or addition or transfer of location has been made. The applicant shall pay only a $10 filing fee.

Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files an application with the Air Pollution Control Officer, shall, in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however,that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

If an application for an authority to construct or a permit to operate is cancelled, or if an authority to construct or a permit to operate is

denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

When an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for such equipment under Rule 101 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only a filing fee of $10.

Where an application is filed for an authority to construct or a permit to operate exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to an existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 101 of these rules and regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such ratings, the applicant shall pay only the amount of the filing fee required herein.

After the provisions for granting permits as set forth in Chapter 2, Division 20, of the Health and Safety Code and the rules and regulations have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within 30 days after the date of the decision

of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application. Such a fee shall not be charged for a permit to operate granted by the Hearing Board for the duration of a variance.

A request for a duplicate permit to operate shall be made in writing to the Air Pollution Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of $2.00 shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate permit to operate.

It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

The annual renewal fee for a permit to operate shall be the same as an initial permit fee under current fee schedules. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked.

1. FILING FEES:

   AGRICULTURAL BURNING . . . . . .NO FEE

   NON-AGRICULTURAL (OTHER THAN TESTING, FIRING & CLEANING)
   1/2 PERMIT TO OPERATE FEE

   NON-AGRICULTURAL TESTING, FIRING & CLEANING . . . . . .NO FEE

2. DUPLICATE PERMITS $2.00

3. PERMIT TRANSFER FEES: SINGLY OR FIRST IN SERIES. 10.00

   EACH ADDITIONAL PERMIT IN SERIES 5.00

4. PERMIT TO OPERATE

FEE	HP	1000 BTU	KVA	SQ FEET	GALLONS
15	0 to 24	0 to 189	0 to 41	0-5	0-5,000 MISC
25	25 to 49	150 to 399	45 to 144	6-10	5,001 to 20,000
50	50 to 99	400 to 649	145 to 449	11-15	20,001 50,000
75	100 to 199	650 to 1449	450 to 1449	16-25	50,001 to 100,000
100	200 to 399	1500 to 2499	1450 to 4499	26-50	100,001 500,000
150	400 to 799	2500 to 4999	4500 to 14499	51-100	500,001 to 1,000,000
200	800 to 1599	5000 to 14999	14500 OR UP	100 OR UP	1,000,001-UP
250	1600-UP	15000-UP			

HP - Total rated horsepower of all electric motors

1000 BTU - Thousands of British Thermal Units per hour, using gross heating values of fuel.

KVA - Total kilovolt ampere ratings of electrical energy, except electric motors.

Sq. Feet - Maximum inside cross sectional area of primary combustion chamber.

Gallons - Capacity in gallons or cubic equivalent.

Misc - Any article, machine, equipment or contrivance not in other schedules, and the Air Pollution Control Officer shall notify the Permitee by mail.

(2.0) RULE 112 - ANNUAL RENEWAL:

A permit issued pursuant to these rules is good for the calendar year for which it is issued. If the article, machine, equipment or contrivance for which a permit is issued is to continue in use or operation, a new permit must be issued for each calendar year, or part thereof, during which said article is in operation.

(50.1.2) RULE 113 - OPACITY OF EMISSIONS:

A. No person shall release or discharge into the atmosphere from any existing source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any hour which is:

1. As dark or darker in shades as that designated as No. 2 Ringlemann Chart as published by the United States Bureau of Mines, or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 1 above.

B. No person shall release or discharge into the atmosphere from any single source of emission whatsoever constructed after July 1, 1972, any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

1. As dark or darker in shade than No. 1 on the Ringlemann Chart as published by the United States Bureau of Mines; or

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 1 above.

(50.1) RULE 114 - QUANTITY OF EMISSIONS:

No person, after July 1, 1972, shall build, erect, install, or expand a single processing unit source consisting of any article, machine, equipment or other contrivance which emits dust, fumes, or particulate matter in excess of 0.2 grains per cubic foot of gas, or equivalent metric measurement, at standard conditions.

(51.13) RULE 115 OPEN BURNING:

No person shall, after December 31, 1971, use an open outdoor fire for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste, or for metal salvage or burning of automobile bodies or parts thereof.

(50.0) RULE 116 - SPECIFIC CONTAMINANTS:

A. No person shall discharge into the atmosphere from any single source of emission, sulfur compounds, calculated as sulfur dioxide (SO_2) in excess of 0.2 percent by volume, measured at point of discharge.

B. No person shall discharge into the atmosphere from any single source of emission, constructed after July 1, 1972, any combustion contaminants exceeding in concentration at the point of discharge of 0.2 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions, except during the start of an operation; or change in energy source, during the time necessary to bring the combustion process up to operating level. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(50.7) RULE 117 - NUISANCES:

No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(51.1) RULE 118 - FROST PROTECTION AND ORCHARD HEATERS:

A. The burning of rubber tires or any rubber products in any combustion process in connection with frost protection is hereby prohibited. Open fires in orchards or citrus groves are prohibited except that the use of commercially prepared charcoal briquettes or similar substances designed for the purpose is permitted.

B. No person shall erect, alter, replace, operate or use any orchard or citrus grove heater which produces unconsumed solid carbonaceous matter at the rate of more than one gram per minute. (This provision shall not become effective until the 61st day following adjournment of the 1972 regular session of the legislature.)

(51.9) RULE 119 - INCINERATORS:

No person shall operate any incinerator other than multiple-chamber incinerators or other incinerator previously certified by the Control Officer to be as effective as a multiple-chamber incinerator for the purpose of air pollution control.

(51.21) RULE 120 - SCAVENGER PLANTS:

Where a separate source of air pollution is a scavenger or recovery plant, recovering pollutants which would otherwise be emitted to the atmosphere the Air Pollution Control Officer may grant a permit to operate where the

total emission of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by Rule 116 A. The Air Pollution Control Officer shall report immediately in writing to the Air Pollution Control Board the granting of any such permit together with the facts and reasons therefor.

(51.19) RULE 120.1 - SULFUR RECOVERY UNITS:

A person shall not discharge into the atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than:

1. 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

2. 10 parts per million by volume of hydrogen sulfide.

Any sulfur recovery unit having an effluent process gas discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provisions of number (1) of this Rule.

(51.18) RULE 120.2 - Sulfuric Acid Units :

A person shall not discharge into the atmosphere from any sulphuric acid unit, effluent process gas containing more than 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

(50.1.1) RULE 121 - DUST AND FUMES:

No person shall discharge in any one hour from any source whatsoever dust or fumes in total quantities in excess of the amount shown in the following table:

TABLE

*Process Wt/Hr(Lbs)	Max.Weight Disch/Hr(Lbs)	*Process Wt/Hr(Lbs)	Max.Weight Disch/Hr(Lbs)	*Process Wt/Hr(Lbs)	Max.Weight Disch/Hr(Lbs)
50	.24	2100	4.14	5500	7.03
100	.46	2200	4.34	6000	7.37
150	.66	2300	4.44	6500	7.71
200	.85	2400	4.55	7000	8.05
250	1.03	2500	4.64	7500	8.39
300	1.20	2600	4.74	8000	8.71
350	1.35	2700	4.84	8500	9.03
400	1.50	2800	4.92	9000	9.36
450	1.63	2900	5.02	9500	9.67
500	1.77	3000	5.10	10000	10.0
550	1.89	3100	5.18	11000	10.63
600	2.01	3200	5.27	12000	11.28
650	2.12	3300	5.36	13000	11.89
700	2.24	3400	5.44	14000	12.50
750	2.34	3500	5.52	15000	13.13
800	2.43	3600	5.61	16000	13.74
850	2.53	3700	5.69	17000	14.36
900	2.62	3800	5.77	18000	14.97
1000	2.80	3900	5.85	19000	15.58
1100	2.97	4000	5.93	20000	16.19
1200	3.12	4100	6.01	30000	22.22
1300	3.26	4200	6.08	40000	28.3
1400	3.40	4300	6.15	50000	34.3
1500	3.54	4400	6.22	60000	40.0
1600	3.66	4500	6.30	or	
1700	3.79	4600	6.45	more	
1800	3.91	4800	6.52		
1900	4.03	4900	6.60		
2000	4.14	5000	6.67		

(TABLE CONT'D)

To use the previous table, take the process weight per hour as such is defined in Rule 100. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1,500 lbs. divided by 3 giving a process weight per hour of 500 lbs. The table shows the "A" may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

(51.16) RULE 122 - STORAGE OF PETROLEUM PRODUCTS:

A person shall not place, store or hold in any stationary tanks, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere or is designated and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

A. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

B. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

C. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.16) RULE 123 - OIL-EFFLUENT WATER SEPARATOR:

A person shall not use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water containing 200 gallons a day or more of any petroleum product or mixture of petroleum products from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

A. A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

B. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

C. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(2.0) RULE 124 - CIRCUMVENTION:

A person shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2 of the Health and Safety Code of the State of California or of these rules and regulations. This rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of Rules 145-148 of these rules and regulations.

(51.16) RULE 125 - GASOLINE LOADING INTO TANK TRUCKS AND TRAILERS:

A person shall not load gasoline into any tank truck or trailer from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation.

When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adaptor, a pneumatic,

hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal.

When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

The vapor disposal portion of the system shall consist of one of the following:

A. A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.

B. A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded.

C. Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

This rule shall not apply to the loading of gasoline into tank trucks and trailers from any loading facility from which not more than 20,000 gallons of gasoline are loaded in any one day.

For the purpose of this rule, any petroleum distillate having a Reid vapor pressure of four pounds or greater shall be included by the term "gasoline."

For the purpose of this rule, "loading facility" means any aggregation or combination of gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(50.2) RULE 126 - SULFUR CONTENTS OF FUELS:

A person shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight.

The provisions of this rule shall not apply to:

a. The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur compounds.

b. The incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot as a standard condition and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this rule.

c. The use of solid fuels in any metallurgical process.

d. The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

e. The use of liquid or solid fuel to propel or to test any vehicle, aircraft, missile, locomotive, boat or ship.

f. The use of fuel with higher sulfur content where the process conditions or control equipment remove sulfur compounds from the stack gases to the extent that the emission of sulfur compounds to the atmosphere is not greater than that which would be emitted by using a fuel which complies with the provisions of this rule.

Every holder of, and every application for a permit to operate fuel burning equipment under these rules and regulations shall notify the Air Pollution Control Officer in the manner and form prescribed by him of each interruption in and resumption of the delivery of gaseous fuel to his equipment.

It shall not be a violation of this rule to burn fuel not permitted by this rule when other fuel which complies with this rule cannot be used due to accident, strike, sabotage, act of God, or the failure of the supplier.

(12.0) RULE 127 - GASOLINE SPECIFICATIONS:

A. A person shall not, after Dec. 31, 1971, sell or supply for use within the district as a fuel for motor vehicles as defined by the vehicle code of the State of California, gasoline having a degree of unsaturation greater than that indicated by a Bromine number of 30 as determined by ASTM method D1159-57T modified by omission of the mercuric chloride catalyst.

B. For the purpose of this rule, the term "gasoline" means any petroleum distillate having a Reid vapor pressure of more than four pounds.

(51.21) RULE 128 - REDUCTION OF ANIMAL MATTER:

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

B. Processes in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than "A" above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the authority to construct or permit to operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.16) RULE 129 - GASOLINE LOADING INTO TANKS:

A person shall not after December 31, 1971, load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with vapor loss control device as described in Rule 122, or is a pressure tank as described in Rule 122.

The provisions of the first paragraph of this rule shall not apply to the loading of gasoline into any tank having a capacity of less than 2.000 gallons which was installed prior to the date of adoption of this rule nor to any underground tank installed prior to the date of adoption of this rule where the fill line between the fill connection and tank is offset.

Any person operating or using any gasoline tank with a capacity of 250 gallons or more installed prior to the date of adoption of this rule shall apply for a permit to operate such tank before December 31, 1971.

A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such tank is equipped as described in the first paragraph of this rule.

For the purpose of this rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of four pounds or greater.

For the purpose of this rule, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank.

"Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirly submerged when the liquid level is 18 inches above the bottom of the tank.

The provisions of this rule do not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 3600, et. seq.) of the vehicle code.

(50.4) RULE 130 - ORGANIC SOLVENTS:

A. A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced by at least 85 percent overall or to not more than 15 pounds in any one day.

B. A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in Section "A", for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in Section "K", or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 40 pounds in any one day.

C. Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in Sections "A" or "B" involving any photochemically reactive solvent, as defined in Section "K", or material containing such solvent, shall be subject to compliance with Section "B". Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operation described in Section "A", said portions shall be collectively subject to compliance with Section "A".

D. Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvents, as defined in Section "K", of any article, machine, equipment or other contrivance described in Section "A", "B", or "C", shall be included with the other emissions of organic materials from that article, machine, equip-

ment or other contrivance for determining compliance with this rule.

E. Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in Sections "A", "B" or "C", shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

F. Emissions of organic materials into the atmosphere required to be controlled by Sections "A", "B" or "C", shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

2. Absorption, or

3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than "1" or "2" above.

G. A person incinerating, absorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

H. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

I. The provisions of this rule shall not apply to:

1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The use of equipment for which other requirements are specified by Rules 122, 123, 125 and 129, or which are exempt from air pollution control requirements by said rules.

3. The spraying or other employment of insecticides, pesticides or herbicides.

4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

J. For the purpose of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

K. For the purpose of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene; 8 percent;

3. A combination of ethylbenezene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

(51.21) RULE 130.2 - DISPOSAL AND EVAPORATION OF SOLVENTS:

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 130(k), or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

This Rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

(51.6) RULE 131 - FUEL BURNING EQUIPMENT:

A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit within Imperial County unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

A. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);

B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

C. 10 pounds per hour of combustion contaminants as defined in Rule 100 and derived from the fuel.

For the purpose of this rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

Nothing in this rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

This rule shall not apply to any processing operation in which a flame directly contacts the material being processed, until such time as federal standards (health, education and welfare) are completed.

EMERGENCY REGULATIONS

This emergency regulation is designed to prevent the excessive buildup of air contaminants and to avoid any possibility of a catastrophy caused by toxic concentrations of air contaminants.

The Air Pollution Control Board deems it desirable to have ready an adequate plan to prevent such an occurrence, and to provide for adequate actions to protect the health of the citizens of the Air Pollution Control District.

(51.1) RULE 131.5 - LIVESTOCK FEED YARDS:

Any person using or operating a livestock feed yard within one and one-half miles from any "urban limit", as defined by the County General Plan, shall acquire and maintain a "livestock feed yard certificate". Application, fee and renewal requirements for such a certificate shall be substantially the same as those set out in Rules 101-111 for permits, except as hereinafter provided. Certificates for livestock feed yards covered by these regulations, and in existence on the date of enactment thereof, shall be acquired within ninety (90) days from said date of enactment.

An application for a livestock feed yard certificate shall include a written plan designed to effectively control dust. Such dust control plan shall contain the following:

(a) Procedures for assuring manure at all times is maintained at a moisture factor between 20% and 40%, in occupied pens. Said maximum moisture limit may be exceeded during rainy periods.

(b) An outline of manure management practices, including standards and time tables for manure removal, designed to effectively control dust and to prevent adverse public health conditions.

The control officer shall grant a certificate upon receiving a dust control plan which he believes is reasonably designed to meet the criteria set forth in (a) and (b) above. Failure of a person operating or using an animal confinement facility to comply with the terms of an approved dust control plan shall be grounds for certificate revocation and/or for imposition of other penalties and sanctions contained in the District's rules and regulations.

The Air Pollution Control Officer may issue a written exception to allow the holder of a livestock feed yard certificate to utilize a procedure in lieu of that required under (a) above for up to sixty (60) days in any fiscal year. Such an exception may only be granted after written application has been made describing in detail an alternate dust control procedure which the Air Pollution Control Officer believes is reasonably designed to control dust as effectively as the procedure described under (a) above.

(2.0) RULE 132 - GENERAL:

Notwithstanding any other provisions of these rules and regulations, the provisions of this regulation shall apply within Imperial County to the control of emissions of air contaminants during any "alert" stage as provided herein.

(9.0) RULE 133 - SAMPLING STATIONS:

The Air Pollution Control Officer shall maintain permanently located atmospheric sampling stations adequately equipped. These sampling stations shall be continuously maintained at locations designated by the Air Pollution Control Officer after consultation with the scientific committee. The Air Pollution Control Officer may maintain such additional sampling stations as may be necessary. These additional stations may be permanent, temporary, fixed, or mobile, and may be activated upon orders of the Air Pollution Control Officer.

(9.0) RULE 134 - AIR SAMPLING:

The Air Pollution Control Officer shall establish procedures whereby adequate continuous automated samplings and analyses of air contaminants will be taken at each of the stations established by the district.

(8.0) RULE 135 - DECLARATION OF ALERTS:

The Air Pollution Control Officer shall declare the appropriate "alert" whenever the concentration of any air pollution contaminant has been verified to have reached the standards set forth in the following table:

Toxic Air Pollutant Levels
In Parts Per Million (PPM)

	Community Alert	1st Alert	2nd Alert	3rd Alert
Carbon Monoxide	20.0 for 8 hrs.	100	200	300
Nitrogen Oxides	.20 for 1 hr.	3	5	10
Sulphur Oxides	.20 for 1 hr.	3	5	10
Ozone	.35	0.5	1.0	1.5

Alert to the Community - Pollutants potentially hazardous for children, elderly and chronically ill persons.

First Alert - Close approach to maximum allowable concentration for the population at large. Still safe, but approaching a point where preventive action is required.

Second Alert - Air contamination level at which a health menace exists in a preliminary state.

Third Alert - Air contamination level at which a dangerous health menace exists.

(8.0) RULE 136 - NOTIFICATION OF ALERTS:

A. Alert to the community: Following the issuance of an alert to the community, the Air Pollution Control District (APCD) shall communicate notification of the condition to:

1. Imperial County Schools Office, who shall notify school district offices.
2. The Imperial County Public Health Department, who shall notify County General Hospital and nursing homes.
3. The general public through the local news media.

B. Alerts: Upon the declaration of a 1st, 2nd or 3rd alert, the Air Pollution Control District (APCD) shall communicate notification of the condition to all above and shall include the following additional industries and agencies:

1. Air polluting industrial plants and processes which require "alert" data in order to effect prearranged plans designed to reduce the output of air contaminants.

2. The California Highway Patrol; supervising inspector.

3. The Imperial County sheriff's department, who will notify in the most expeditious manner available:

   (a) All sheriff sub-stations.

   (b) All city police departments.

4. The State Division of Forestry, who will notify in the most expeditious manner available:

   (a) All city fire departments.

   (b) All fire protection districts and special districts with fire suppression capability.

5. City fire and police departments shall notify their respective city officials.

C. Cessation of alerts: Recall or cessation of "smog alerts" are to be disseminated in the same manner as they are initiated.

(2.0) RULE 137 - RADIO COMMUNICATION SYSTEM:

The Air Pollution Control Officer shall install and maintain in continuous operation, a radio transmitter with selective calling facilities for the purpose of broadcasting the declaration of alerts and information and instructions which may be appropriate to carry out the provisions of these regulations.

Radio receiving equipment with decoding device capable of receiving broadcasts from the Air Pollution Control Officer of the declaration of alerts and information and instructions thereto shall be procured, installed and properly maintained and operated during all hours of plant operation by any person who operates or uses any:

A. Petroleum refinery.

B. Bulk gasoline loading facility for tank vehicles, tank cars, or marine vessels, from which facility 20,000 gallons or more of gasoline are loaded per day. For purposes of this paragraph, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater, and "facility" means all gasoline loading equipment which is both (1) possessed by one person,

and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

C. Asphalt saturator.

D. Asphalt paving manufacturing plant.

E. Asphalt manufacturing plant.

F. Chemical plant which:

1. Reacts or produces any organic liquids or gases.

2. Produces sulfuric acid, nitric acid, phosphoric acid or sulfur.

G. Paint, enamel, lacquer, or varnish manufacturing plant in which 10,000 gallons or more per month of organic solvents, diluents or thinners or any combination thereof are combined or manufactured into paint, enamel, lacquer and varnish.

H. Rubber tire manufacturing or rubber reclaiming plant.

I. Automobile assembly or automobile body plant.

J. Metal melting, refining or smelting plants.

K. Rock wool manufacturing plant.

L. Glass or frit manufacturing plant.

(8.0) RULE 138 - FIRST ALERT ACTION:

The following action shall be taken upon the calling of the first alert:

A. A person shall not burn any combustible refuse at any location within the basin in an open fire.

B. Any person operating or maintaining any industrial commercial or business establishment other than power plants or heating plants essential to health or safety which establishments emit hydrocarbons or any of the contaminants named in Rule 137 and any person operating any private noncommercial vehicle shall during the first alert period take the necessary steps to the action required should a second alert be declared.

C. The Air Pollution Control Officer shall, by the use of all appropriate mass media of communication, request the public to stop all unessential use of vehicles in the basin and to operate all privately owned vehicles on a pool basis, and shall request all

employers to activate employee car pools.

D. When, after the declaration of the first alert it appears to the Air Pollution Control Officer that the concentration of any contaminants in all or any portion of the basin is increasing in such a manner that a second alert is likely to be called, he shall take the following actions:

1. Notify the emergency action committee and request advice on actions to be taken.

2. Give all possible notice to the public by all mass media of communication that a second alert may be called.

(8.0) RULE 139 - SECOND ALERT ACTION:

The following action shall be taken upon the calling of the second alert:

A. The action set forth in Rule 138, and

B. The Emergency Action Committee and the Air Pollution Control Board, if not already activated, shall be called into session and shall remain in session or reconvene from time to time as directed by the Air Pollution Control Officer to study all pertinent information relating to the emergency and to recommend to the Air Pollution Control Officer actions to be taken from time to time as conditions change.

C. Pursuant to this alert, the Air Pollution Control Officer may impose limitations as to the general operation of vehicles as provided in Rule 136 (B) permitting limited operation essential to accommodate industry, business, public utility and other services as may be necessary in the public welfare.

D. The Air Pollution Control Officer may, with the concurrence of the Air Pollution Control Board, order the closing of any industrial, commercial or business establishment and stop all vehicular traffic except authorized emergency vehicles as defined in the California vehicle code, vehicles used in public transporation and vehicles the operation of which is necessary for the protection of the health and welfare of the public, if, in the opinion of the Air Pollution Control Officer, the continued operation of such establishment or vehicle contributes to the further concentration of any air contaminant, the concentration of which caused the declaration of the alert, but if possible, without employing such drastic remedial measures as to completely disrupt the economic life of the community or to result in irreparable injury to any form of production, manufacture or business.

The Air Pollution Control Officer, during a second alert, shall keep the public suitably informed of all significant changes in the concentration of toxic air contaminants.

E. In the event that the Air Pollution Control Officer determines that the public health and safety are in danger, the Emergency Action Committee and the Air Pollution Control Board may take any action authorized by this rule with less than a quorum present. A majority vote of the members present is required for any such action.

(8.0) RULE 140 - THIRD ALERT:

The following action shall be taken upon the calling of the third alert:

A. The actions set forth in Rules 138 and 139, and

B. It if appears that the steps taken by the Air Pollution Control Officer will be inadequate to cope with the emergency the Air Pollution Control Board shall request the governor to declare that a state of emergency exists and to take appropriate actions as set forth in the California Disaster Act.

(8.0) RULE 141 - END OF ALERT

The Air Pollution Control Officer shall declare the termination of the appropriate alert whenever the concentration of an air contaminant which caused the declaration of such alert has been verified to have fallen below the standards set forth in Rule 135 for the calling of such alert and the available scientific and meteorological data indicates that the concentration of such air contaminant will not immediately increase again so as to reach the standards set forth for such alert in Rule 135. The Air Pollution Control Officer shall immediately communicate the declaration of the termination of the alert in the manner provided in Rule 135, paragraph "C", for the cessation of the alerts.

(15.0) RULE 142 - ENFORCEMENT:

When an "alert" has been called, the Air Pollution Control Officer, the sheriff, fire chiefs, their deputies, and all other peace officers within the basin shall enforce the appropriate provisions of this rule and all orders of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this regulation against any person who having knowledge of the declaration of an alert, refuses to comply with the rules set forth in this regulation or any order of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this regulation.

(2.0) RULE 143 - SCIENTIFIC COMMITTEE:

A scientific committee shall be appointed by the Air Pollution Control Board. Members shall be licensed physicians, medical scientists, biologists, chemists, engineers, or meteorologists, each of whom has had experience in air pollution control work, or other experts with scientific training.

The Air Pollution Control Officer and the County Counsel shall be ex-officio members of the scientific committee.

The term of appointment of all members except the ex-officio members shall be two (2) years. The scientific committee shall act through a majority. There shall be at least fifteen (15) members on the committee.

The scientific committee shall have the following duties:

A. Study and recommend. The scientific committee shall study and make recommendations to the Air Pollution Control Board of the most suitable methods for measurement of air contaminants and on any changes recommended for the concentrations set forth in Rule 140. The Air Pollution Control Board may adopt such recommended changes for the concentrations of toxic air contaminants for each alert stage by amendment to Rule 116.

B. Consult. The scientific committee shall serve in a consultant advisory capacity to the Air Pollution Control Officer concerning any air pollution health problem which may arise. The scientific committee shall also advise the Air Pollution Control Board on any recommended changes in this emergency regulation which will provide greater protection of the health and welfare of all persons within the Air Pollution Control District.

(8.0) RULE 144 - EMERGENCY ACTION COMMITTEE:

An emergency action committee shall be appointed by the Air Pollution Control Board. The committee shall be composed of ten (10) appointed members and of these members two shall be experts with scientific training or knowledge in air pollution matters, two shall be licensed physicians, two shall be members of the public at large.

The county health officer, the sheriff, and the County Counsel shall be ex-officio members of the committee. In the absence of an ex-officio member, his deputy may act for him.

The term of appointment of appointed members shall be two (2) years.

The duties of the Emergency Action Committee shall be to meet with the Air Pollution Control Officer when called into session, to evaluate data, and to advise the Air Pollution Control Officer as to the appropriate action

to be taken when the concentration of any of the contaminants set forth in Rule 135 has been verified to be approaching the standards set forth in Rule 135 for a second alert.

The committee shall be appointed and begin to function at such a time as occurrence of emergency episodes and the opinion of the board shall deem it necessary.

(51.1) RULE 145 - AGRICULTURAL BURNING

The prohibitions included in prohibitions shall not be construed as prohibiting agricultural burning, including but not limited to the burning of wastes produced on the premises in the course of growing asparagus, vegetables, small grain, sorghum, safflower, citrus trees, deciduous fruit and nut trees, vines, or date palms.

(2.0) RULE 146 - CLEARING LAND:

No prohibition in "Prohibitions" shall prevent the use of fire for the clearing of brush from raw land to be used for agricultural purposes, and nothing therein shall be construed to prohibit burning for right-of-way clearance and maintenance or for levee or ditch maintenance by a public entity or utility.

(2.0) RULE 147 - COUNTY DUMPS:

Subject to the approval of the Air Resources Board the control officer may permit burning at county solid waste disposal areas.

(2.0) RULE 148 - MISCELLANEOUS EXCEPTIONS:

Nothing in prohibitions shall be construed to prohibit:

A. Burning for the disposal of residential rubbish from a single or two family dwelling on its premises.

B. Fires set by or permitted by a public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

   1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

   2. The instruction of public employees in the methods of fighting fire.

C. Fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

D. Agricultural operations in the growing of crops, or the raising of fowls or animals or bees.

E. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

F. The use of equipment in agricultural operations in the growing of crops, or raising of fowls or animals or bees.

PROCEEDINGS BEFORE HEARING BOARD

(2.0) RULE 149 - GENERAL:

The provisions of this part shall apply to all hearings before the Hearing Board of the District.

(16.0) RULE 150 - PETITIONS:

Requests for hearing shall be initiated by the filing of a petition in triplicate with the clerk of the Hearing Board and the payment to said clerk of a fee of $25.

(3.0) RULE 151 - CONTENTS OF PETITIONS:

Every petition shall state:

A. The name, address, and telephone number of the petitioner, or other person authorized to receive service of notices;

B. Whether the petitioner is an individual, co-partnership, corporation, or other entity; and names and addresses of partners if a co-partnership; names and addresses of the persons in control if other entity;

C. The type of business or activity involved in the application, and the street address at which it is conducted;

D. A brief description of the article, machine, equipment or other contrivance, if any involved in the application;

E. Whether the petitioner desires a hearing:

1. For a variance under Section 24292, Health and Safety Code of the State of California.

2. To revoke or modify a variance under Section 24298, Health and Safety Code;

F. Each petition shall be signed by the petitioner, or some person on his behalf; and where the person signing is not the petitioner it shall set forth his authority to sign;

G. All petitions shall be prepared in a manner acceptable to the control officer.

(5.0) RULE 152 - PETITIONS FOR VARIANCES:

In addition to the matters required by Rule 151 of this part, petitions for variance shall state briefly:

A. The statute, rule, or order complained of;

B. The facts showing why compliance with the statute, rule or order is unreasonable;

C. For what period of time the variance is sought and why;

D. The damage or harm resulting or which would result to petitioners from a compliance with such section, rule or order;

E. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(2.0) RULE 153 - SUPPLEMENTAL INFORMATION:

If the chairman of the Hearing Board, or any two members of the Hearing Board, determine that an application does not state sufficient information to serve as the basis for a hearing, they may, without conducting a meeting, require the applicant to state further facts or reframe his application prior to setting the matter of hearing.

(16.0) RULE 154 - MATTERS INITIATED BY CONTROL OFFICER OR HEARING BOARD:

When the control officer or Hearing Board wish to initiate action which will lead to hearing by the Hearing Board, they need not comply with the formal requirements of these rules. Either must, however, initiate any such action with documents that will apprise interested parties of the proposed action.

(2.0) RULE 155 - ANSWERS:

Any person affected by an application may, if he so desires, within ten (10) days of service of the petition or other notice, file a written answer with the clerk of the Hearing Board prior to the hearing.

(2.0) RULE 156 - WITHDRAWAL OF APPLICATION:

The applicant may withdraw his application at any time by giving written notice of withdrawal to the clerk of the Hearing Board. The clerk shall notify all interested persons of such withdrawal.

(2.0) RULE 157 - HANDLING PRELIMINARY MATTERS:

Preliminary matters such as setting a date for hearing, granting continuances, approving applications for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the chairman or by any two members of the Hearing Board without a hearing or a meeting of the Hearing Board and without prior notice to the parties.

(16.0) RULE 158 - TIME AND PLACE OF HEARING:

All hearings shall be held at the time and place designated by the Hearing Board.

(16.0) RULE 159 - NOTICE OF HEARING:

The clerk of the Hearing Board shall mail or deliver a notice of hearing to the applicant, the control officer, the holder of the permit or variance involved, if any, and to all other persons entitled to notice under state law.

(2.0) RULE 160 - CONTINUANCES:

The chairman or any two members of the Hearing Board shall have the power to grant continuances of any hearing, on request of any interested party or at the request of any member of the Hearing Board, without conducting a meeting of the Hearing Board and without prior notice. Written notice of the continuance shall be given to all persons who were given notice of the hearing.

(13.0) RULE 161 - RECORD OF PROCEEDINGS:

The Hearing Board shall cause a record of all hearings to be made by use of a tape recorder or other recording device.

Any party who desires to have a hearing reported by a certified shorthand reporter shall give written notice to the clerk of the Hearing Board at least seven (7) days prior to the hearing date and shall agree to bear the cost of such reporting. Transcripts shall be prepared in accordance with the orders of the Hearing Board and shall be paid for by the party requesting the transcript.

Any party desiring written findings of fact must submit a written request for findings to the clerk of the Hearing Board at least seven (7) days

prior to the date set for the hearing.

(2.0) RULE 162 - EVIDENCE:

The following rules shall govern the introduction of evidence at a hearing:

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called him to testify, and to rebut the evidence against him. If a person holding a permit or variance does not testify in his own behalf, he may be called and examined as if under cross-examination.

C. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules or privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) RULE 163 - OFFICIAL NOTICE:

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(2.0) RULE 164 - DECISIONS:

The decision of the Hearing Board shall be in writing, containing a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the control officer, the applicant and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing. The decision of the Hearing Board shall become effective immediately unless otherwise provided in the decision.

ENFORCEMENT

(2.0) RULE 165 - VIOLATIONS:

Any person doing any acts prohibited herein, or operating any article, machine, equipment or contrivance described in Rule 101 without a permit is guilty of a misdemeanor punishable by detention in the county jail not exceeding six (6) month or by fine not exceeding five hundred dollars ($500) or both for each day upon which such violation occurs.

(2.0) RULE 166 - CONTROL OFFICER:

These rules shall be enforced by the control officer. He may issue citations, seek a misdemeanor complaint from the district attorney or seek an injunction. He may issue notices to abate or correct violations of these rules or he may require attendance at hearing before the Hearing Board, or constitute other administrative proceedings as provided in procedures adopted by the Control Board.

(2.0) RULE 167 - AIR POLLUTION CONTROL BOARD:

The board may, after notice and a hearing, issue, or provide for the issuance by the Hearing Board, of an order for abatement whenever the district finds that any person is in violation of the rules discharging air contaminants into the atmosphere.

(14.0) RULE 168 - PUBLIC RECORDS:

All information, analyses, plans, or specifications that disclose the nature, extent, quantity or degree of air contaminants which any article, machine, equipment or other contrivance will produce, secured pursuant to the enforcement of these rules, are public records.

(2.0) RULE 169 - SEVERABILITY CLAUSE:

If any provision of these rules is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these rules, it being hereby expressly declared that these rules and each provision thereof would have been adopted irrespective of the fact that any one or more other provisions be declared invalid or unconstitutional.

(2.0) RULE 170- LEGAL APPLICATION:

All sections contained in the Health and Safety Code relating to air pollution control districts shall have application in Imperial County unless superceded by these rules and regulations.

(1.0) RULE 200 - DEFINITIONS:

A. Agricultural Burning means open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wild life and game habitat.

B. Open burning in agricultural operations in the growing of crops or raising of fowls or animals means:

1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

2. In connection with operations qualifying under Sub-division 1:

a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

b. The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are trays for drying raisins, date palm protection paper, and fertilizer and pesticide sacks or combustible containers, where the sacks or combustible containers are emptied in the field, or nearby for application.

C. Range improvement burning means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

D. Brush treated means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been dessicated with herbicides.

E. Board means the State Air Resources Board, or any person authorized to act on its behalf.

F. A no-burn day means any day on which agricultural burning is prohibited by the Board.

G. A permissive-burn day means any day on which agricultural burning is not prohibited by the Board.

H. District means the Imperial County Air Pollution Control District.

I. Approved Ignition Devices includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane or diesel oil burners, and flares, but does not include the use of tires, tar paper, oil, and other similar materials.

(2.0) RULE 201 - PROHIBITIONS:

A. No person knowingly shall set or permit agricultural burning unless he has a valid permit from the Air Pollution Control Officer.

1. The Air Pollution Control Officer shall issue agricultural burning permits subject to the Rules and Regulations of the Board and of the County Air Pollution Control District.

B. Each applicant for a permit shall provide information as required by the Air Pollution Control District.

C. Prior to the burn, notice of intent shall be given by the permitee to the Air Pollution Control Officer.

D. No permit shall be valid for any day during a period in which agricultural burning is prohibited by the Board.

E. No permit shall be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.

F. All agricultural wastes to be burned must be free of tires, rubbish, tar paper, construction debris, and all other material that is not produced in an agricultural operation.

G. All agricultural wastes to be burned shall be arranged in such manner as to promote drying and insure combustion with a minimum of smoke production. All agricultural wastes to be burned shall be free of excessive dirt, soil and visible surface moisture.

H. All agricultural wastes to be burned shall be ignited only with approved types of ignition devices as defined herein.

I. The following types of agricultural waste materials to be burned shall be allowed to dry for the following minimum time periods or equivalent:

a. Green field stubble: 4 days following harvest

b. Dry cereals: 0 days

c. Prunings and small branches: 2 weeks

d. Large branches and trees: 6 weeks

J. Materials to be burned shall be ignited only during daylight hours and all burning shall be terminated by sunset each day.

K. No burning of agricultural waste materials shall be permitted which will create a nuisance as defined in Section 24243 of the California State Health and Safety Code.

L. The Air Pollution Control Officer may restrict agricultural waste burning to selected permittees on designated Burn Days if the total tonnage to be ignited would total more than 5% of the total tonnage burned in Imperial County if visibility is less than 10 miles for two observation one (1) hour apart, when the relative humidity is less than 70%.

(2.0) RULE 202 - EXCEPTIONS:

A. Exception to Rule 201 D and 201 J: The Air Pollution Control Officer may grant an exception to allow burning on a No-Burn Day so designated by the Board when there is a threat of imminent and substantial economic loss, and in certain situations to allow burning to continue past sunset of each day.

The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing on the form provided, his reasons for the exception. The Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources.

B. The burning of empty sacks or combustible containers which contained pesticides or other toxic substances is permitted on No-Burn Days, providing the sacks or containers are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowls or animals."

(15.0) RULE 203 - PENALTY CLAUSE:

A. A violation of the provisions of these Rules and Regulations is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

B. The fire control agency designated by the Board and having jurisdiction over the site of the agricultural burn and the Air Pollution Control District shall enforce these Rules and Regulations.

ENFORCEMENT

In order to expedite enforcement procedures, the Legislature amended the Penal Code by adding Section 836.5.

(a) A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of a statute or ordinance which such officer or employee has the duty to enforce.

(b) For the purpose of this section, "ordinance" includes an order, rule, or regulation of any Air Pollution Control District.

(15.0) RULE 204 - ENFORCEMENT PROCEDURES:

Open Burning

Complaint received or burning observed.

Investigation (Fire Protection Agency or Air Pollution Control District)

1. Determine responsible person.
2. Determine who ordered fire.
3. Ask for permit.
4. Determine section of regulations prohibiting such acts.

If Violations exists:

Action taken

1. Obtain all pertinent information for report--name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.
2. Issue citation to appear (Section Penal Code 836.5)
3. If citation cannot be issued because of complexities of the violation or the magnitude of the violations, the following may be pursued:

   (1) Investigation: same as above.

(2) Review file with Air Pollution Control Officer.

(3) Ask District Attorney for complaint or injunctive action.

4. May issue official notice to cease and desist==subject to judgment of officer.

(3.0) RULE 205 - BURNING PERMIT:

A. The Imperial County Air Pollution Control District shall issue the permits for agricultural burning. These shall be issued on an annual basis.

B. The burning permit shall be prepared in triplicate to provide information to the various agencies of concern. The copies of the permits shall be distributed accordingly:

1. Original: To the District.

2. Duplicate: To the appropriate fire protection agency.

3. Triplicate: To the permittee.

C. The permittee shall have his copy available for inspection at the burn site.

D. In order to provide for proper control of agricultural burning, the permittee shall notify the District prior to each burn and supply the following data:

1. Time and date of burn.

2. Estimated tonnage to be burned.

3. Location of burn.

4. Type of material to be burned.

5. Material drying procedure used if applicable.

E. Data in part D shall be supplied by phone to the District and recorded in duplicate as follows:

1. Original to the District.

2. Duplicate to the California Air Resources Board, sent on a quarterly basis.

F. The application for a specific burn shall be reviewed by the District to determine if the burn is likely to cause a nuisance

or hazard. A nuisance or hazard might be caused if the location of the burn site and the direction of the wind will direct large amounts of air contaminants toward an adjacent residential area or major road.

(51.13) RULE 206 - RANGE IMPROVEMENT BURNING:

A. Range improvement burns shall be regulated by all rules in the Agricultural Burning Regulation of the Air Pollution Control District of Imperial County.

B. If a burn is done primarily for improvement of land for wild life and game habitat, a statement from the Department of Fish and Game certifying that the burn is desirable and proper shall be submitted and filed with the application for a burning permit.

C. All burns shall be ignited as rapidly as practicable within applicable fire control restrictions.

D. Brush to be ignited shall be treated at least six months prior to the burn unless the Air Pollution Control Officer determines it is economically and technically not feasible.

E. Unwanted trees over six inches in diameter shall be felled and dried in accordance with Rule 201 I (d).